K.S.R. 18/5.

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1947.

File No. B. Motor Vehicles Tax & Local Bds. /47

Legal **DEPARTMENT**

B. **BRANCH**

Subject:—

Bill No. XXXIV of 1947

A Bill to repeal the Bombay Motor vehicles Tax and the Bombay Local Boards (Amendt.) Act, 1940 and the B'bay Motor Vehicles Tax (Amendt.) Act, 1942. and to re-enact certain provisions therein.

Bombay Act No. XL of 1947.

P.S.

File No. B. Motor Vehicles Tax & Local Bds./47

Std. Sectt. Slip 24 B e.

628B

C O N T E N T S.

Legal Department File No. D.K.S.R. Vehicles Tax & Local Boards / 1947.

Cr. No.	Compilation No.	Subject	Pages.
		A Bill to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940. Draft Bill	1-2.
2.	U.O. to H.D. 8876 dated 25th March, 1947.	Instructions to H.D. about the printing of the Bill	3-4.
3.	U.O. to H.D. No. 0024 dated 6th September, 1947.	Introduction of the Governor and application of the Act the Act to the partially excluded areas.	5-6.
4.	G.L.D. Dft No 11880 dated 25th November, 1947.	Seeking Governor's assent.	7-10.
5.	L.D.R.I. No 24511 dated 4th December, 1947.	Governor's Assent.	11-12.
6.	G.D.L.D. No. 8218 dated 7th August, 1947.	Publication of the Bill.	13-18.
7.	G.S.L.D. No. 11713 dated 8th December, 1947.	Publication of the Act.	19-24.
		Debate and spare copies of the Acts and Bills.	25-34

CVV
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5 c.

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K.S.R.
11/5.

Office of the R.L.A.

There is no objection to ~~xxxxxxxxx~~ re-enacting the provisions of both Bom. III of 1940 and Bom. IX of 1942 by one amending Act. A draft Bill is sent herewith.

2. The subject-matter of the Bill falls under entries 13, 48-A and 63 in List II in the 7th Schedule to the Government of India Act, 1935.

3. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls under purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay. The Bill, however, requires H.E.'s recommendation under section 80(1)(a) of the Government of India Act, 1935.

4. No statements were appended when both Bom. III of 1940 and Bom. IX of 1942 were published. The H.D. proposes ~~to have~~ when for the proposed Bill the statements which were prepared to have explaining the various amendments. Those statements would not appear to be feasible now and no explanation of the proposed amendments seems necessary since the amendments which are proposed to be re-enacted have been on the statute book for long. A revised draft statement of Objects and Reasons is appended.

Sd. D.V.V.

Remembrancer of Legal Affairs.

U.R. to H. D., No. 2876, dated the 25th March, 1947.

CVV
10/5/56
4 c.

Legal Department.

The final drafts of the Bill to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts and the Bill to amend the Bombay Motor Vehicles Tax Act, ~~Act,~~ 1935, were furnished to the Home Department on the 25th March and 23rd June 1947, respectively. The Home Department is requested to take the necessary steps to get both the Bills printed after their circulation to the Cabinet, and forward 30 copies thereof to this Department for enabling it to publish the Bills in good time before the next session of the Bombay Legislative Assembly is held.

Sd. B.D.P.

for Secretary to Government.

U. O. to H. D., No. 7157, dated the 11th July, 1947.

SVV
10/8/56
4 c.

Legal Department

The Bill to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts, having been published in the Bombay Government Gazette, dated the 7th August 1947, these papers are returned to the Home Department for further necessary action and for submitting them to H.E. (Home and Revenue) for his use at the time of introducing the Bill. The Home Department may now arrange to give the necessary notice to the secretary to Bombay Legislative Assembly in the appended form. That Department is also requested to obtain the orders of Government in due course regarding the application of the proposed Act to the partially excluded areas. There is no prescribed form for obtaining the recommendation of the governor under section 83(1)(a) of the Government of India Act, 1935. His signature may be obtained on a Departmental note for that purpose and thereafter the Secretary of the Bombay Legislative Assembly may be informed as in the draft notice after the Secretary of the Home Department has signed the order appended herewith.

Dal - B.D.P.

for Secretary to Government.

U.R. to H. D., No. 2034, dated the 5th September, 1947.

BVV
10/9/56
4 c.

No. 11980.
Legal Department,
Bombay Castle, 06th Nov., 47.

From

T.M. Kaid, Esquire, I.C.S.,
Secretary to the Government of Bombay.

To

The Private ~~Secretary~~ Secretary to the

Governor of Bombay.

Subject:- A Bill to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1944, and to re-enact certain provisions of the said Acts.

Sir,

With reference to section 79 of the Government of India Act, 1935, I am directed to forward herewith for the assent of His Excellency the Governor, the authentic copy of the Bill to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1944, and to re-enact certain provisions of the said Acts, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 11th September, 1947 and on the 17th October, 1947, respectively.

2. The subject-matter of the Bill falls under entries 13, 48-A and 63 in List II in the Seventh Schedule to the Government of India Act, 1935.

3. As the Bill does not relate to any entry in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor-General with reference to sect on 107(3) of the Government of India Act, 1935.

4. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

5. I also forward herewith one copy of each of the papers noted in the margin. The bill was not referred to a Select Committee.

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.
3. Bill as read for the third time and passed by the Bombay Legislative Council.
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 11th September, 1947 and of the Bombay Legislative Council dated the 17th October, 1947.

I have the honour to be,

Sir,

Your most obedient servant,

Id. P.M.L. 25/11

Secretary to Government.

Through

The Secretary to the Government of Bombay,

Home Department.

SVV
10/5/56
G. G.

No. P. S. G. - 5583

Office of the Private Secretary to the Governor,-

Government House,

Bombay, 3rd December, 1947.

From

L.E.Bagshawe, Esquire, I.C.S.,
Private Secretary to the Governor of Bombay,

To

The Secretary to the Government of Bombay,
Legal Department.

Subject: The Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Bill, 1947.

Sir,

With reference to your letter No. 11880, dated the 25th November, 1947, on the subject noted above I am directed to return herewith, with His Excellency the Governor's assent signified thereon, the authentic copy of the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Bill, 1947.

Your obedient servant,

Sd.

Private Secretary,
to the Government of Bombay.

BVV
10/5/56
4 c.

Bills.

A Bill to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts.

GOVERNMENT OF BOMBAY.

Legal Department.

Resolution No. 3126.

Bombay Castle, 7th August, 1947.

Memorandum from the Home Department No.223/5-II-2, dated the 1st August, 1947.- Transferring for necessary action, the papers relating to a Bill to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts.

ORDER:- The Bill with Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 7th August 1947, as Bill No. XXIV of 1947.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujrati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette on the 13th August, 1947.

3. The dates of the various publications should be reported to the Secretary to the Bombay Legislature Department.

By order of the Governor of Bombay,

sd. D.V. V.KHE,
Secretary to Government.

To

The Manager, Government Central Press, Bombay (with the Bill and the Statement of Objects and Reasons and with a request that 330 Gazette copies of the Bill and the S.O.R. may be forwarded to the Secretary to the Bombay Legislative Department for distribution to the Members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department and 25 copies for the use of the Home Department.)

The Home Department,
The Oriental Translator to Government,
The Secretary to the Bombay Legislative

Department,
The Director of Publicity, with a copy of the Bill and

---

with five extra copies of the Bill.

GVV
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4 c.

Acts.

Publication of the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1947.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 11783
Bombay Castle, 8th December, 1947.

Letter to the Private Secretary to the Governor, 11250, dated the 25th November, 1947.

Letter from the Private Secretary to the Governor, No. P.S.G.- 5653, dated the 3rd December, 1947.-

"With reference to your letter No. 11250, dated 25th November, 1947 on the subject noted above I am directed to return herewith, with His Excellency the Governor's assent signified thereon, the Authentic copy of the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Bill, 1947."

RESOLUTION:- The law should be published as Bombay Act No. XL of 1947, in the Bombay Government Gazette dated the 28th December, 1947.

2. The Act should be translated into Marathi, Gujrathi, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department with reference to the Memorandum from the Department, No. 223/5-II-B, dated the 10th August, 1947.

By order of the Governor of Bombay,

sd. S.B.Palekar,
Deputy Secretary to Government.

To
The Manager, Government Central Press, Bombay,
(with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department.)
The Home Department,
The Oriental Translator to Government,
The Bombay Legislature Department,
The Director of Publicity, Bombay.
} with a copy of the Act.

O with 5 extra copies of the Act.

~~with a copy of the Act.~~

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L. A. BILL No. XXXIV OF 1947.

A Bill to repeal the Bombay Motor Vehicles Tax and Bombay Local Boards (Amendment) Act, 1940, and Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts.

(As read for the third time and passed by the Legislative Assembly on the 11th September 1947.)

26 Geo. 5, Ch. 2.

Bom. III of 1940. Bom. IX of 1942.

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1947.

Repeal of Bom. III of 1940 and Bom. IX of 1942 and re-enactment of certain sections thereof.

2. The Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, are hereby repealed and sections 2 to 16 (both inclusive) of the first mentioned Act and section 2 of the next mentioned Act are re-enacted.

Bom. III of 1940. Bom. IX of 1942.

SM Bk Hb 149—1

STATEMENT OF OBJECTS AND REASONS.

Under sub-section (4) of section 93 of the Government of India Act, 1935, any law made by the Governor during the section 93 regime continues to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect unless sooner repealed or re-enacted by Act of the Provincial Legislature. It is considered desirable to continue in force the amendments carried out by Bombay Acts III of 1940 and IX of 1942 in the Bombay Motor Vehicles Tax Act, 1935 and the Bombay Local Boards Act, 1923. The Bill seeks to repeal the said Acts and to re-enact the amendments made by them.

Dated 31st July 1947. MORARJI DESAI.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXXIV OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 11t September 1947.)

A Bill to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts.

[Mr. Morarji Desai, M.L.A.]

SM Bk Hb 149—2

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRI

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules:—

L. A. BILL No. XXXIV OF 1947.

A Bill to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts.

16 Geo. 5, Ch. 2.

Bom. III of 1940.

Bom. IX of 1942.

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1947.

Bom. III of 1940.

Bom. IX of 1942.

Repeal of Bom. III of 1940 and Bom. IX of 1942 and re-enactment of certain sections thereof.

2. The Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, are hereby repealed and sections 2 to 16 (both inclusive) of the first mentioned Act and section 2 of the next mentioned Act are re-enacted.

STATEMENT OF OBJECTS AND REASONS.

Under sub-section (*4*) of section 93 of the Government of India Act, 1935, any law made by the Governor during the section 93 regime continues to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect unless sooner repealed or re-enacted by Act of the Provincial Legislature. It is considered desirable to continue in force the amendments carried out by Bombay Acts III of 1940 and IX of 1942 in the Bombay Motor Vehicles Tax Act, 1935 and the Bombay Local Boards Act, 1923. The Bill seeks to repeal the said Acts and to re-enact the amendments made by them.

Dated 31st July 1947. (Signed) MORARJI DESAI.

By order of the Governor of Bombay,

D. V. VYAS,

Secretary to the Government of Bombay,
Legal Department.

Bombay, dated 7th August 1947.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

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Bombay Act No. XL of 1947.

~~L. A. BILL No. XXXIV OF 1947.~~

An Act

~~A Bill~~ *to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts.*

(As read for the third time and passed by the Legislative Assembly on the 11th September 1947.)

(As read for the third time and passed by the Legislative Council on the 17th October 1947.)

26 Geo. 5, Ch. 2

Bom. I of 1940.

Bom. IX of 1942.

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1947.

Repeal of Bom. III of 1940 and Bom. IX of 1942 and re-enactment of certain sections thereof.

Bom. III of 1940. Bom. IX of 1942.

2. The Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, are hereby repealed and sections 2 to 16 (both inclusive) of the first mentioned Act and section 2 of the next mentioned Act are re-enacted.

SM Bk Hb 225

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXXIV OF 1947.]

(As read for the third time and passe by the Legislative Assembly on the 11th September 1947.)

(As read for the third time and passed by the Legislative Council on the 17th October 1947.)

A Bill to repeal the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940, and the Bombay Motor Vehicles Tax (Amendment) Act, 1942, and to re-enact certain provisions of the said Acts.

[Mr. MORARJI DESAI, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.